

SOUTH CAROLINA.

MEMORIAL

OF THE

INHABITANTS OF FAIRFIELD DISTRICT,

IN

SOUTH CAROLINA,

PRAYING A

REVISION OF THE TARIFF, &c.

DECEMBER 14, 1827.

Referred to the Committee on Manufactures.

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1827.

MEMORIAL.

To the Honorable the President and Members of the Senate, and to the Honorable the Speaker and Members of the House of Representatives, in Congress:

The undersigned, citizens of Fairfield District, in the State of South Carolina, in the exercise of a right secured to them by the Constitution, respectfully approach your honorable bodies with an expression of their sentiments, the result of mature reflection, on the measure pursued by the General Government, for several years past, of increasing the duties on the importation of articles of foreign growth and manufacture, and especially upon the proposed measure of raising to the point of exclusion, the tariff on coarse woollen manufactures. Your memorialists, if they could be persuaded that the increase of the tariff already made, and in contemplation, were rendered necessary by the exigencies of the Government, and effected with a single view to the support of public credit and supplying the national Treasury, however inconvenient it might be to them in the present season of pecuniary embarrassment, would forbear to complain, and yield, without remonstrance, to the measure. Your memorialists confidently appeal to history, and to facts within the recollection of your honorable bodies, for the truth of this declaration. But your memorialists cannot misunderstand the real motive of the increase of the tariff; they are well aware that the purpose of revenue is entirely out of view; that, in truth and in fact, such increase is made, and intended to be made, for the purpose of giving aid to the efforts of those individuals, who have ventured to speculate in the chances of bettering their condition by abandoning their accustomed pursuits, and of engaging in the establishment of manufactories. Your memorialists have little hesitation in expressing a decided opinion, that the encouragement of this, or any other speculation, by raising the imposts, is not within the constitutional competency of your honorable bodies. And they are constrained to express their surprise that the first clause of the 8th section of the 1st article of the Constitution should be resorted to, and relied on, for a sanction to a course of policy subversive of equal rights, imposing unequal burthens, and calculated to produce a violent change in the habits, manners, pursuits, and occupations, of the People. If that article is subjected to such a construction, it may fairly be construed so as to authorize any measure, from the most visionary to the most ruinous that can be conceived of. No limit can be assigned to the

power of Congress, nor security claimed for the rights reserved to the individual States and to the People. The federative character of the General Government is destroyed : it is, to all intents, a consolidated government ; and the boasted omnipotence of Parliament is centered in the National Councils. The absurdity to which such a construction irresistibly tends, is proof positive against its correctness. The words "general welfare," considered in connexion with the whole clause, imply nothing more than that money may be collected by taxes, duties, and imposts, and that, when collected, the same shall not go to the use of any particular State, but to the Government of the Union : they are declarative of a right to the money so levied, limit the amount to be collected, and contain a general direction as to its application. It is only by breaking up the sentence, and destroying its symmetry, literally by garbling the sentence, that the assumed power can be drawn from those prolific and portentous syllables. But, should the sentence be forced to read, *that "Congress shall have power to provide for the general welfare,"* your memorialists conceive that the subsequent clauses declare what the general welfare is, and limit the power to certain specified objects. They would contend that the whole of the sentence should be taken together, that its symmetry be preserved, and, if the words "general welfare" necessarily contain a grant of power, it must be some power or powers strictly analogous to the power of paying the "national debt," and providing "for the common defence." Your memorialists would suggest to your honorable bodies that, as the power of raising money, in the manner pointed out in the clause referred to, belonged previously to the States, to be applied to their individual use, the words "general welfare" might have been, through abundant caution, inserted for the purpose of shewing that, for the future, the proceeds were payable into the national Treasury, and were subject to appropriation to general objects indicated in the Constitution, notwithstanding the same should be levied at a particular port, or in a particular State. Your memorialists would further suggest to your honorable bodies, that the harmony and consistency of a great plan of Government, of a particular form and decided character, portrayed in a written constitution, ought not to be practically affected, because of the admission of two words of supposed doubtful import ; but, on the contrary, the true genius of the Government ought to be preserved inviolate on every principle of fair construction, even at the expense of those words. The first clause, section 8, empowers Congress to raise money ; and, it is presumed, there cannot be a bona fide exercise of that power for any other purpose, or with any other view whatever. If Congress can exercise a power, given to supply the Treasury, for the purpose of building up a system of domestic manufactures, Congress may exercise it, not with a view to supply the National Treasury, but to empty and impoverish it. So, if Congress, under the third clause of the 8th section, should exercise the power of regulating commerce with foreign nations, not for the purpose of promoting a free commercial intercourse with foreign

nations, but for the purpose of annihilating foreign commerce, the same mischief and the same absurdity would result. The expectations of the States in granting those powers would, in either case, be wholly defeated, and their interests, tangled in the wiles of legislative subtilty, must necessarily suffer.

Your memorialists are persuaded there is nothing in the Constitution which the ordinary rules of interpretation are not sufficient to elucidate. They see nothing mysterious in the magnificent outline of our free and equal Government, illumined with the splendor of the great virtues and the great talents exercised in its formation. The darkness imputed to it, and which has been imagined a safe cover for projects the most ambitious, results from efforts to wrest from their proper signification, their evident import, the plain English words in which it is most happily expressed; forgetful that common sense admonishes against the assumption of authority not clearly given, and that common law, in its wholesome jealousy of prerogative, inclines rather to a limitation of power, than a construction calculated to give it amplitude and extent. Your memorialists are deeply impressed with apprehensions for the future happiness of the American Union, unless all assumptions of power, by unnecessary implication, be forthwith disclaimed and discontinued. Should the National Legislature, instead of applying to the People for power, consider itself vested with the rights pertaining to a convention, and take power whenever it may deem the same expedient, without regard to the letter and the obvious meaning of the Constitution, all the evils that the worst enemies of our happy form of Government have maliciously anticipated and predicted, may speedily affect our most vital interests.

Your memorialists consider the increase of the tariff, for the purpose of protecting domestic manufactures, a measure most erroneous, on principles of national policy. In the partial or total exclusion of foreign commerce, in the impoverishment of the agricultural class, in the prostration of one section of the country to another, the natural fruits of such a measure, consequences to them the most disastrous, appear unavoidable. No reasonable objection can exist to the establishment of domestic manufactures in any part of the Union. No evils are anticipated from them, if self-sustained. The citizens of this Republic are free to invest their capital according to the dictates of their discretion, and to give to their enterprise and industry such direction as they may deem most comfortable with their true interests. Individuals are the best judges, every where, whether the existing state of things will justify any undertaking, and whether it is likely to be prosperous and productive. The success of every speculation should rest on the judgment, skill, and capital, of those who engage in it; and it is, at best, an act of impolitic interference, whenever the rulers of a country attempt to calculate for private citizens, and endeavor to operate on their accumulations by legal provisions. Such intrusion into private pursuits may promote the interests of a few, but always at the hazard of great injury and injustice to the many. In providing for the welfare of particular persons, or of a particular class, the Govern-

ment is chargeable with a departure from its proper character as the common benefactor of a whole People, and takes an attitude which indicates a disregard to the great duty of strict impartiality. The equality between citizens of the same country is destroyed, and one portion are rendered tributary to, and dependent on, another. That the increase of the tariff, for the purpose of fostering domestic manufactures, will operate unjustly and unequally, is evident. It is intended, by destroying competition from abroad, to enable domestic manufacturers to command higher profits on their productions than they, otherwise, could do. Their prices will be raised in proportion as the law gives countenance to their cupidity; and the difference between old and new, the natural and protected prices, is so much money extorted from the planting interest without an equivalent. It is, in fact, calculated to have all the effect of a tax upon the planters, to make up the capital of, and compensate for want of skill in the domestic manufacturers; to enable the domestic manufacturers to prosper without deserving it, or to bear the losses incident to a rash and improvident investment of their means. Every cent which they receive, in this way, is so much wrested from the planting class, who are the chief consumers, and who are subjected to the humiliation of seeing the gains which they have honestly acquired, transferred, by the magic of enactments, into the pockets of those who grasp at it, contrary to every dictate of honesty. Your memorialists seriously object to be rendered the lawful prey of the domestic manufacturers, whose avarice of unearned wealth is insatiable. They object to be forced to pay them large sums in bounties on domestic productions, or, what is the same thing in effect, to be subjected, by law, for the benefit of the manufacturers, to a high penalty, for the exercise of honest industry in their accustomed avocations. Your memorialists also seriously object to be made to assume the character of assurers for the ultimate safety of their manufacturing brethren. If the manufacturers have miscalculated their means, and rushed unadvisedly into a ruinous business, your memorialists, not previously consulted by the adventurers, free of any pledge of pecuniary support, without any claim secured to them of a share of manufacturing profits, ought not, in justice, to be held responsible for any losses incident to the speculation. The increase of the tariff, as it will eventually exclude all foreign productions, which your memorialists understand to be the perfection of the system called, in mockery of their rights and wants, "the great American system," will necessarily amount to a prohibition, on the planting class, from purchasing where they can purchase cheapest, so it will have the effect of prohibiting the planting class from selling their productions to the best advantage. If the merchandise of foreign countries is excluded from our markets, the productions of the planter, which are his merchandise, will be excluded from a market in those countries. An immense proportion of the mercantile business of the world is carried on in barter and exchange. Commerce must, therefore, grow languid, or altogether cease, where the natural course of trade is altered or interrupted. Those who are not allowed to sell are de-

prived of the ability, as well as the disposition, to purchase. An expectation, therefore, that an intercourse, devoid of reciprocity and not equally convenient and advantageous to all parties engaged in it, can be durable or long profitable to either, has no foundation in an enlightened acquaintance with commercial affairs. Equally extravagant is the notion, propagated with much assiduity, by the advocates of restrictive measures, that the domestic manufacturers will supply the planting class with as safe and profitable a market as they have heretofore found in foreign countries. It must be a wild miscalculation, that the foreign countries, with which we have the greatest intercourse, have lost any portion of their wonted foresight, or that our dexterity has overmatched their vigilance. Proof is entirely wanting, that the Governments of those countries have grown insensible to the dictates of self-esteem, and that the love of gain has ceased to inspire mercantile enterprise with its almost invincible energies. That the boasted American system is considered there with intense interest; that its features, its movements, its hopes, and aspirations, are watched with great jealousy; that the means of counteracting its effects will be seized upon with eagerness, and exerted with perseverance; is not to be questioned. Other portions of the earth will be rendered capable of supplying, to the consumers of southern productions, the great staples on which your memorialists depend for support; and the wealth, which, but for exorbitant imposts, would continue to float on the Santee, the Savannah, and the Alabama, will find its way on the Nile, the Indus, and the Orinoco. An active demand for our productions will soon cease abroad, because of the opening of new channels of trade, and the foreign commerce, in which the planting class are essentially interested, will be finally cut off, by a wide system of retaliatory measures. Such a course may be certainly calculated on, because it seems the dictate of common prudence, the desire of self-preservation, and those feelings of pride which belongs to all men, and to all Governments. In proof, that the apprehensions of your memorialists are not groundless, that arrangements are in a regular train of accomplishment, to render all dependence for supplies on the Southern parts of the Union unnecessary, your honorable bodies need but advert to the appalling fact, that, while the great staples of the South are lying heavily on the hands of the merchant and factor, productions of the same kind, and even inferior in quality, are sought for with avidity, in remotest India, in wretched Egypt, and in the recently emancipated regions of South America. Should the tariff be raised to the point demanded by the untiring advocates of that measure, your memorialists are, at once, subjected to a train of evils of most serious magnitude. A home competition will be too feeble to ensure the requisite application of labor and skill in the production of domestic manufactures, or to regulate the prices of articles of prime necessity to the planting interest. A greater evil will exist in the lack of that active and steady demand for the staples of the South, which will allow reasonable profits to the grower; so that, in fact, the manufacturers will make, to

suit their own convenience, sell at such prices as they may think proper to demand, and *purchase*, on their own terms, so much of the raw material as they may have occasion to use. Your memorialists have seen nothing, as yet, in the conduct and character of the domestic manufacturers, to warrant any other conclusions. With an utter recklessness of the rights of others, with a capacity for profits, next to infinite, your memorialists have seen them combining, moving in fearful concert, projecting schemes of aggrandizement, and clamoring for advantages, which the first principles of morals should teach them to look for in honest industry, well persisted in, and not in a system of laws calculated for their especial accommodation. Your memorialists ask leave to draw the attention of your honorable bodies to an additional topic, of more than ordinary importance, and well entitled, in their opinion, to your most serious consideration: The value of property, every where, depends on its productiveness; when planting capital ceases to yield its natural profits, a depreciation in value is the natural consequence. Barrenness now threatens to succeed the rich and flourishing agriculture of the Southern portion of the Union. Emigrants, from abroad, are no longer tempted to adopt it as their permanent home; and many citizens, by birth, are looking, with deep interest, to distant lands, where the rewards of industry may be more certain, and an opportunity enjoyed of escaping from oppressive exactions. The increase of the tariff, in all probability, will, among other evils, have the effect of deranging the ratio of physical strength and political consequence between different parts of this great empire. Your memorialists have carefully sought, with a perfect openness to conviction, for the grounds on which the restrictive system can constitutionally rest; it is neither discoverable in the history of our country, detailing the causes which prompted the call of the Federal Convention, and assigning the motives for the adoption of the great charter of our liberties; nor in the expositions of eminent statesmen concerned in the formation of the Constitution; nor in the letter of the Constitution itself. Our ancestors were proudly jealous of State sovereignty; they yielded with a sparing hand the smallest portion of the essential attributes of sovereign power. In granting powers, they were even over-cautious in recording the reservation to themselves of those not granted. They were filled with the great ideas of equality of rights, equality of duties, equality of burthens. The Constitution, so guarded, and so guarding, was the American system of a splendid period in the annals of freedom. In the restrictive system, based on novel doctrines, and persisted in for alarming ends, your memorialists perceive, with grief, a flagrant violation of the very genius of our Government. Neither are your memorialists sensible of the great good which may result from that system, as a measure of policy. In anticipation of a distant period, when a dense population, a scarcity of land, accumulation of capital, and cheapness of labor, shall naturally invite to manufactures, the system attempts to perform the work of nature and time by operation of law, and is committing havoc on

one class of the community, laying waste one quarter of the country, for the exclusive benefit of another, in no conceivable point of view less interesting, or less deserving. From its ruinous example, from its crying injustice, from its blighting and demoralizing tendencies, your memorialists, with honest and confiding bosoms, appeal to your honorable bodies. They repose a manly trust in the wisdom and saving goodness of the National Legislature. They believe that the insinuations of interest cannot always silence the sacred voice of the Constitution, nor repress its divine spirit. They believe that the Representatives of a great People, though they fall into error, cannot persist long in a mistaken policy. They call the attention of your honorable bodies to the momentous subject of their grievances—looking with a deep interest and a firm reliance on the efficacy of constitutional means, and no other, for their speedy redress. They earnestly pray that a revision of the tariff may be made, with a view, solely, and in perfect good faith, to the purposes of revenue; that it may be so arranged, as to fall with exact equality upon every citizen of the Confederacy; and that every advance of imposts, with a view of promoting domestic manufactures, be totally repealed. Should a Woollens Bill be introduced, at the ensuing session of Congress, with any other object than the laudable one of reducing the present burthensome duties on the importation of foreign woollens, your memorialists insist that the same be rejected. and that, in the rejection of that bill, and in the revision of the tariff adapting it to the wants of the Treasury, the same may be seen, to the nation and to the world, to proceed from a high and holy regard for the Constitution. Such a course, your memorialists are persuaded, would be a rendering to the Constitution the homage which it merits, and manifesting a due sense of its pre-eminent obligation, and its inappreciable worth. An example so impressive will not be lost. Whenever the Legislature of a great People are seen to bow to the violated genius of their Constitution, that Constitution acquires additional sanctity in the eyes of all men, and a brighter hope arises that its blessings will be perpetuated to the end of time. Your honorable bodies are now presented with an opportunity of sanctifying the only policy which can safely conduct to the fulfilment of the destinies of our Republic—the policy of preserving, protecting, and defending, the Constitution; of ensuring justice, and of maintaining a free intercourse with all nations—a fruitful source of wealth, of knowledge, and of civilization. and your memorialists cherish the hope, and prefer their prayers, that it may not pass unimproved.

By order of the meeting :

R. T. NOTT, *Secretary.*

D. R. EVANS, *Chairman.*

